

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 12-00076-KD-B
)	
DOMINIQUE THOMAS,)	
)	
Defendant.)	

ORDER

This action is before the Court on the motion to “reassess” sentence filed by Defendant Dominique Thomas (doc. 78). Upon consideration, and for the reasons set forth herein, the motion is DENIED.

In 2012, Thomas plead guilty to Count Two of the Indictment charging possession of a firearm during a drug trafficking crime. In October 2012, he was sentenced to a term of sixty months to be followed by thirty-six months of supervised release (doc. 27). Thomas was released and his supervision commenced on July 19, 2019. His supervised release has been revoked three times (docs. 53, 67, 77).

Most recently, on December 1, 2023, he was sentenced to a term of six months with credit for time served since October 14, 2023 (doc. 77). Appearing *pro se*, he now moves the Court to “reassess” his six-month sentence and allow immediate release. He argues that the sentence “will literally ruin” his life, and that he is “more than ready, anxious, and willing to once again be a productive member of society, working and taking care of [his] family” (Id.).

“Federal courts are forbidden, as a general matter, to ‘modify a term of imprisonment once it has been imposed,’ 18 U.S.C. § 3582(c); but the rule of finality is subject to a few narrow exceptions.” Freeman v. United States, 564 U.S. 522, 526, 131 S. Ct. 2685, 2689, 180 L. Ed. 2d 519

(2011), holding modified by Hughes v. United States, 138 S. Ct. 1765, 201 L. Ed. 2d 72 (2018).

Section 3582(c) states that an imposed term of imprisonment may be reduced when there are “extraordinary and compelling reasons [that] warrant such a reduction” or “the defendant is at least 70 years of age” and certain factors are met. 18 U.S.C. § 3582(c)(1)(A)(i) & (ii). The Court “may modify an imposed term of imprisonment” if a statute expressly permits the modification, or by way of Rule 35 of the Federal Rules of Criminal Procedure. 18 U.S.C. § 3582(c)(1)(B). The Court may modify an imposed term of imprisonment when the defendant’s “sentencing range has subsequently been lowered by the Sentencing Commission”, and certain other factors are met. 18 U.S.C. § 3582(c)(2). Modification or vacation of a sentence may be available under 28 U.S.C. § 2255, or U.S.C. § 2241.

However, the grounds alleged in Thomas’ motion are not within the purview of any statute or rule that provides for modification or reduction of a sentence. Accordingly, his motion is due to be denied.

DONE and **ORDERED** this the 16th day of January 2024.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE